

IN THE DISTRICT COURT OF THE UNITED STATES  
EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,

Defendants.

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

**NOTICE PRESERVING OBJECTION TO JUDICIAL IMPARTIALITY**

**AND JURISDICTION**

Plaintiff Michael Miller respectfully submits this Notice to preserve and restate his objection to the Court's continued exercise of jurisdiction over this matter, in light of unresolved dispositive motions and the appearance of judicial partiality.

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**I. Selective Adjudication Reinforces Appearance of Bias**

On March 21, 2025, the Court entered an order denying Plaintiff's Motion for Recusal (ECF No. 41), asserting that the Court had properly applied the applicable standards and that Plaintiff had not demonstrated an appearance of bias.

However, as of this filing, the Court has not ruled on Plaintiff's pending Motion for Vacatur (ECF No. 39), filed March 15, 2025. That motion challenges the legal validity of the March 7, 2025 Order (ECF No. 36) on multiple independent grounds, including:

- Lack of jurisdiction due to a pending appellate mandamus petition,
- Improper fact-finding under Rule 12(b)(1),
- Failure to give Rule 12(d) notice prior to considering extrinsic materials,
- And the improper dismissal of verified constitutional claims at the pleadings stage.

The Court's decision to rule on the recusal motion—thereby defending its own conduct—while declining to adjudicate the pending motion that directly contests the legal basis for its ruling, gives rise to a strong appearance of entrenchment rather than impartial review.

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## **II. Jurisdiction Remains Contested and Preserved**

Plaintiff reasserts that the Court lacked jurisdiction to issue the March 7 order while the appellate mandamus petition (Case No. 25-1208) was pending. The refusal to address this jurisdictional question—while moving forward with

enforcement of procedural deadlines and denials—continues to prejudice Plaintiff's ability to seek full and fair review.

Plaintiff preserves all objections to the Court's jurisdiction, procedural posture, and handling of pending dispositive motions. This includes objections under 28 U.S.C. § 455(a) and (b), and all rights to seek appellate or supervisory review.

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Respectfully submitted,

/s/ Michael Miller  
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Dated: March 24, 2025

## CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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Respectfully Submitted,

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Dated: March 24, 2025